

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOSE MANUEL ROMAN, JR.,

Petitioner

v.

**DAUPHIN COUNTY COURT
OF COMMON PLEAS,**

Respondent

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No. 1:16-cv-2101

(Judge Kane)

(Chief Magistrate Judge Schwab)

ORDER

Before the Court in the above-captioned action is the January 31, 2017 Report and Recommendation of Chief Magistrate Judge Schwab. (Doc. No. 6.) No timely objections have been filed. **ACCORDINGLY**, this 21st day of February 2017, upon review of the record and the applicable law, **IT IS ORDERED THAT:**

1. The Court adopts the Report and Recommendation (Doc. No. 6), of Chief Magistrate Judge Schwab;
2. Petitioner's Petition for Writ of Habeas Corpus is **DISMISSED** for lack of jurisdiction, as it appears from the face of the petition that Petitioner is not "in custody;" and
3. The Clerk of Court is directed to close the case.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania